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 720-44

September 23, 2002

Susan Harris, Assistant Director
Public Disclosure Commission
711 Capitol Way, Room 206
P. O. Box 40908
Olympia, WA 98504-0908

Re: Revisions to WAC 390-17-100

Dear Susan:

As you requested, I am sending along an additional example of a voluntary check off form used by a political committee subject to FEC regulation.

As you can see, the form advises the member that the Union cannot favor or disadvantage the member as a result of the decision to contribute or not. This is fairly typical language. The source of the language is Section 114.5(a)(2)(ii) of the FEC regulations, which requires a PAC that suggests a contribution amount to include an admonition that the labor organization or employer "will not favor or disadvantage anyone by reason of the amount of their contributions or their decision not to contribute." This requirement is in addition to the requirement that the solicitor advise the member that he or she is free to contribute or not, "without reprisal."

As a practical matter, solicitations normally indicate a proposed amount, as overly small contributions cost more to process than they generate for the PAC. Therefore, most solicitations will include language complying with 114.5(a)(2)(ii), as well as the "no reprisal" language.

I would suggest that the current WAC 390-17-100(g) be replaced by language in roughly the following form:

(g) A statement that the employee will not be discriminated against by the labor organization or the employer based on his or her response to the solicitation.

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This language would address the clear intent of the statute, which is that the recipients of solicitation know they are free to reject the solicitation without fear of discrimination. At the same time, the new language would achieve that result without arguably making most FEC authorization cards arguably ineffective as authorizations to state PACs.

With respect to the language included in the annual notice to the employee under RCW 42.17.680(2), I see no reason not to precisely track the statutory language. Those notices are prepared solely to comply with state law. Therefore, requiring that they precisely track the statutory language imposes no hardship.

In addition, by requiring specific language in the annual notice, the Commission can be assured that, even though other information is included in the same communication, the message that the recipient is free to terminate contributions without negative consequences has been conveyed in precisely the terms embodied in the statute.

Thank you again for your continued consideration of this important matter.

Very truly yours,



James D. Oswald

Enclosure

cc: Doug Ellis

Diane McDaniel

DUES DEDUCTION AUTHORIZATION

I hereby authorize the deduction of my Union dues as specified by the Treasurer of [REDACTED] each month from my pay. The amount of said deduction to be paid to Local #519 to cover benefits of membership in the Union.

(Signature)

(Date)

VOLUNTARY AUTHORIZATION - [REDACTED]

I hereby voluntarily authorize my employer to deduct from each of my paychecks the amount of \$3.00 and to forward that amount to [REDACTED]. I understand that contributions to [REDACTED] COPE are not a condition of membership in the Union or of employment with any employer, that I have a right to refuse to sign this authorization and to contribute to [REDACTED] COPE without reprisal and that [REDACTED] COPE will use the money it receives to make political expenditures, including contributions in connection with federal, state, and local elections. I also understand that the amount of \$3.00 per paycheck is merely a suggested guideline and I am free to contribute more or less than this amount by some other means and that the Union cannot favor or disadvantage me because of the amount of my contribution or my decision not to contribute. Contributions to [REDACTED] COPE are not deductible as charitable contributions for federal income tax purposes. This authorization shall remain in effect for twelve (12) months.

(Signature)

(Date)

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